

United States v. Aafia Siddiqui

08 Cr. 826 (RMB)

Proposed Allocation Regarding Choice of Counsel¹

1. Advise the defendant that trial in this case presently is set for January 19, 2010.
2. Advise the defendant of her right to counsel at all stages of the criminal proceeding, even if she cannot afford an attorney.
3. Advise the defendant that the Court previously appointed counsel to represent the defendant pursuant to the Criminal Justice Act, and has also permitted three additional lawyers to represent the defendant.
4. Advise the defendant that the Court received her letter of October 4, 2009 in which she expressed her desire to terminate the representation of Dawn Cardi, Esq. and Charles Swift, Esq. Advise the defendant that the Court wants to ask questions about this letter to determine who will represent the defendant.
5. Is it your desire to have Linda Moreno, Esq. and Elaine Sharp, Esq. represent you in this case?
 - a. If the defendant answers yes to this question, then Ms. Moreno and Ms. Moreno should be permitted to represent the defendant and remaining counsel should be terminated from the Defense Team.
 - b. If the defendant answers no to question 5, the Court should ask the defendant if she wants any member of the Defense Team to represent her.
6. If the defendant answers no to question 5(b), the Court should ask the defendant if she has retained new counsel to represent her, or if she has immediate plans to do so. If the defendant has retained new counsel, or indicates that such retention is imminent, then retained counsel should be permitted to represent the defendant.
7. If the defendant has not retained – and does not have immediate plans to retain – her own counsel, and does not want any member of the Defense Team to represent her, the Court should inquire into the reasons for her dissatisfaction with the Defense Team, including the following questions (or variations thereof):
 - a. At present, are you communicating with your counsel?
 - b. When was the last time you met with counsel?

¹ The Government does not object to having limited portions of this inquiry be conducted *ex parte* (if necessary) to avoid revealing privileged communications between the defendant and the Defense Team.

- c. Are you unable or refusing to communicate with counsel? If so, why?
 - d. Are you satisfied with the representation of the Defense Team so far? If not, why not?
 - e. Do you believe the Defense Team is representing your best interests? If not, why not?
8. If, based on the inquiry conducted above, the Court elects to appoint new counsel under the Criminal Justice Act, the defendant should be advised that this will be the last attorney that will be appointed to represent her, absent extenuating circumstances.